

R E V I E W.

Saturday, October 4. 1712.

IN speaking to the *present State of the Succession*, I have told you, where, I think, our real Danger IS NOT, and where, I think, IT IS; and this I have done, in order to prevail on you, if possible, to turn your Eyes to the Place from whence we are most like to be surpriz'd; and this, as I have said, I take to be in the common People, and their being Debauch'd by the Artifice of the *Jacobites*, into new and different Notions of the Pretender; and because you shall not have it to say, that I am amusing you, and leaving you in the dark, rather than instructing you, I shall tell you plainly what I mean by these Notions, which are daily insus'd into the Heads of the common People, to the Prejudice of the *Hanover Succession*, and in favour of the Pretender, and with what design it is done.

1. That he is the Lawful Son of King *James*, and thereby has an undoubted, indefeizable, Hereditary Right to the Crown of *Great Britain*.
2. That his being a *Papist* was the Error of his Parents, and is his Misfortune, but ought not to be his Loss, because it was none of his Fault.
3. That as he could not be a Protestant, being, from a Child, in the Hands of *Papists*, and as he is now willing to be better Instructed, and has an Inclination to serve God, in Conjunction with his People; so there being no other Obstruction to his being our King, when that is Removed, and he shall abjure the Errors of *Papery*, it would be very hard to deny him his Right, which there was no other Reason to Exclude him from.

If you think that these Arguments are of no Weight, and make no Impression on the People, and have not gain'd Thousands from the Interest of the *Protestant Establish'd Succession*, you are mistaken, and those who think so, must be very Ignorant of publick Affairs, and dreadfully indifferent in the Consequences.

But I am of another Opinion, and therefore, as I told you, I am for keeping out the Pretender as long as I can; so I do two Things in order to it; 1. I

move all People who have any regard to the *Protestant Succession*, that they would, as much as in them lies, Contribute to undeceiving the common People, and to acquainting them with the Grounds and Reasons, upon which the *Protestant Succession* was Establish'd, that Ignorance may not betray us to the Subtilties of the *Jacobite Party*; 2. To shew the Way, and prompt by Example, what I exhort to by Words; I begin the work myself, as a Service due to my Country and Posterity, and which, however unkindly I think myself Treated, I shall by no means omit, what ever hazard I run for it.

As I have said before, the Legitimacy of the Pretender is of no manner of signification in this Dispute, and the Notion of his being the Lawful Son of King *James*, with which the New Advocates for his coming in, whine and cant about the Countries, is the weakest Wheedle they could use in the Case—Our Foundation is built upon this general Maxim in the Constitution, *viz.* That the Parliament has an Undoubted Right to limit the Succession of the Crown; the Legitimacy of his Birth has no Concern in it: This is so undoubted a Case, and so positively determin'd by our Law, that by the *Eliz.* it is adjudg'd a *Premunire* to affirm, either in Word or Writing, that the Parliament have not Power to limit the Succession of the Crown.

Note, I am not, at the Writing of this, within the reach of Books, being in the Country, but I promise to make it up, when I go over this Head again, and quote the Words of the Statute, and the History of Fact which occasion'd it, which bears some Analogy to this before us.

If then the Right of Limitation of Remainders, is in the Parliament, What matters it to us, whose Claim is Right or Wrong by Birth, the Right is in the Entail, and our Allegiance is Transferr'd by that Entail only: *Our Enquiry is not*, who is Legitimate, or who not? Whether the Pretender be the Son of King *James*, or not? *Our Enquiry is*, On what Line has the Parliament Entail'd the Crown? And where-ever that Entail runs, there our Duty follows, without reserve.

If

If this Right is not Legal, we Overthrow the Right by which the Queen herself Reigns. and Vote her Majesty an Usurper; for if you please to state the Case right, it stands thus; Either the Pretender is the Son of King *James II.* or he is not, *if he is not*, then upon what Foot is he a Pretender? *If he is*, then on what Foot is his Sister Reigning? If her Majesty Reigns by Right of Blood, then the Pretender must be spurious; if the Pretender be Legitimate, then you make the Queen have no Claim by Line, and consequently her Majesty must have some better Right than a Succession by Birth, or have no Right at all, and be an Usurper: This better Right, is that of *Parliamentary Limitation*.

By this Parliamentary Limitation, her Majesty is our Rightful and Lawful Prince, altho' the Legitimacy of the Pretender were unquestion'd; and by the same Authority, the House of *Hanover* are the only Rightful and Lawful Successors, and we cannot, *the same Parliamentary Limitation excepted*, Legally transferr our Allegiance from them.

There is a Case comes in here, which the Friends to the Pretender think opens the Door to his coming Legally to the Crown, and it is stated upon the Exception which I make above, *viz. The same Parliamentary Limitation excepted*; now, say the *Jacobites*, why then we doubt not by *High-Flying Management*, to get a Parliament that shall Repeal the Settlement already made, and make a New Settlement in Favour of the Son of King *James*, and then by your own Rule he is our Lawful King.

I shall, in its course, speak something to the Probability or Improbability, of such a Parliament being obtain'd in *England*, and of any *Tory or High-Flying* Parliament going that length, when obtain'd: I own, if we come to a Time, when those good-natur'd Gentlemen, the *High-Flyers*, shall have an unrestrain'd Liberty, there can be little so bad, but I shall be apt to expect from them; but thank God there are Restraints upon them, even in their Parliamentary Capacity; and what if I shall tell you, that tho' the worst Parliament should be chosen, that ever can be thought of, they could not reverse the Succession; that the Law of the Succession cannot be Repealed, no, not by the Queen, Lords, and Commons, tho' they should all agree and desire to do it: If I prove this, I hope it may be of no disservice to the Succession; and if I do not prove it, beyond all possibility of Reply, then I'll be a *Jacobite*, or a *Turk*, or any Thing you will have me be.

There is a happy Circumstance in the present *Parliamentary Constitution*, that has put it out of the Power, even of the *British Parliament* itself, to Repeal and Repeal the Act of the Succession, nay, tho' they were a Parliament of all *Jacobites*: Other Acts of Parliament may be Repeal'd by Parliament, but I alledge that this cannot, and that therefore the Pretender is effectually foreclos'd from the Crown of *Great Britain* by an Unalterable Law: To explain this nice Article, take it in few Words, thus,

The Succession of the Crown of *Great Britain* to

the House of *Hanover*, is secur'd to them by the Treaty of UNION between the two Nations of *England* and *Scotland*, and is Incorporated in the Body of the Articles of the said Union, so that as the Union is self made UNALTERABLE, the *Protestant Succession* is likewise Unalterable, and I do affirm. That the present Constituted Power, *viz. Of the Parliament of Great Britain* cannot Repeal or Repeal what the then Constituting Power of the respective Parliaments of *England* and *Scotland*, Establish'd: Determin'd by the Act of Union, to be UNALTERABLE.

2. I affirm that in the Act of Union, the Limitation of the Crown of *Great Britain* to the House of *Hanover*, is Establish'd and Determin'd, by the respective Parliaments of *England* and *Scotland*, to be Unalterable.

The first is sufficiently prov'd from the Nature of the Thing, and is what I have insisted upon, That every Power Constituted, is inferior to the Power Constituting; every Power Created, is less than the Power Creating: The Parliament of *Great Britain* is the Legitimate Child of the Union, begot by the respective Parliaments of *England* and *Scotland*, and born in Wedlock, *viz. The Treaty*; Parents at its Birth, Limited its Powers in express Terms, such as these; *Alterable nevertheless by the Parliament of Great Britain; Remain without any Alteration to all succeeding Generations*, and the like. Could the Parliament of *Great Britain* have altered any Thing thus Establish'd; it had follow'd, that *Alterable nevertheless*, had been Nonsense, for mention some Things, as *Alterable*, when *Al* were so, is Tautology and Ridiculous; and to express what may be alter'd, is strongly to imply, that what is not so expressed, is effectually Unalterable: On the other Hand, if all Things might have been altered then how could the Act of Union say of some Thing *without any Alteration*, &c. as above? The saying these, and these Things may be alter'd, undeniably implies, that what is not so provided for, remains Unalterable: The saying these Things shall remain Unalterable, is an evident Token that the said Parliament had a Negative Power upon the *British Parliament*, to tell them what they might or might not alter: I know this is a bold Truth, but I desire all a *Jacobite* World to answer it.

If this be true, then the Parliament of *Britain* cannot Repeal that Act, which says, *it shall not alter the Succession; nil dat quod non habet*, the Parliament can exert no Power which it is not possess'd of, as this Power is expressly restrain'd, by the same Power which gave Birth, Life, and its very Being, to the *British Parliament*.

Thus the Succession is effectually secur'd to the Nation and even the Parliament itself cannot Repeal it: No Right of Birth can take place, of the Right deriv'd from the two Parliaments in the Treaty of Union.

I shall be more particular in this hereafter, when I come to go over this again.